

Appl. No. : 10/020,853
Filed : December 11, 2001

REMARKS

In response to the Office Action mailed January 27, 2005, Applicant respectfully requests the Examiner to reconsider the above-captioned patent application in view of the foregoing amendments and the following comments. As a result of the amendments listed above, Claims 1-17, 27-39, 43-89, and 91-94 remain pending, of which Claims 27-30 and 44-45 have been withdrawn from consideration. Claim 90 has been cancelled without prejudice or disclaimer, and Claims 47-48, 70 and 91 have been amended.

In the Office Action mailed January 27, 2005, the Examiner disposed of the claims as follows:

CLAIM NOS.	DISPOSITION/REJECTION		
	BASIS	PRIMARY REFERENCE	SECONDARY REFERENCE(S)
70-93	103(a)	Sarfarazi, US 6,488,708	n/a
91	112 ¶ 2	n/a	n/a
1-17, 27-39, 43-69, 94	Allowed		

The Examiner also objected to the drawings for failing to illustrate a feature recited in Claim 90, and noted that Claims 47-49 depended from canceled Claim 22. The Examiner also requested clarification of certain issues with respect to the Information Disclosure Statement of September 2003.

Claim 70

Claim 70 stands rejected as obvious in view of Sarfarazi. However, Applicant has amended Claim 70 to recite:

70. An accommodating intraocular lens for implantation in an eye having an optical axis, said lens comprising:
an anterior portion comprised of an anterior optic having refractive power of less than 55 diopters;
a posterior portion comprised of a posterior optic having refractive power, said optics providing a combined power of 10-30 diopters;
said anterior portion further comprising an anterior biasing element connected to said anterior optic;
said posterior portion further comprising a posterior biasing element connected to said posterior optic;

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said anterior optic being mounted to move relative to said posterior optic along said optical axis between an accommodated position and an unaccommodated position in response to action of the ciliary muscle of the eye, said relative movement corresponding to a change in the combined power of the optics of at least one diopter;

said anterior ~~portion~~ biasing element having a first geometry;

said posterior ~~portion~~ biasing element having a second geometry different from said first geometry, said geometries of said anterior and posterior ~~portions~~ biasing elements configured to allow (i) said anterior optic to move over a first range of movement along said optical axis, and (ii) said posterior optic to move over a second range of movement along said optical axis;

wherein said first range of movement is greater than said second range of movement; and

wherein said anterior optic and said posterior optic are positioned further apart when said anterior optic is in the accommodated position than when said anterior optic is in the unaccommodated position, and said anterior optic is biased toward said accommodated position.

Applicant respectfully submits that Sarfarazi does not suggest or otherwise render obvious the lens recited in amended Claim 70. For example, even if Sarfarazi can be read to render obvious the claimed optic powers as asserted by the Examiner, Sarfarazi does not disclose or suggest an “anterior biasing element having a first geometry [and a] posterior biasing element having a second geometry different from said first geometry.” See Sarfarazi at Figs. 4-7; col. 4:53-65.

Applicant therefore submits that Claim 70 is in condition for allowance. Applicant further submits that Claims 71-89 and 91-93 are also in condition for allowance, by virtue of their dependence from an allowable base claim as well as their recitation of further novel and non-obvious combinations of features.

Claim 90/Drawings

The Examiner objected to the Drawings for failure to illustrate the “perimeter wall” recited in Claim 90. In order to expedite issuance of a patent on the remaining claims, Applicant has cancelled Claim 90 without prejudice or disclaimer, thereby mooting the Examiner’s objection.

Applicant submits herewith a complete set of Formal Drawings to replace the originally-filed drawings, which contain substantial handwritten portions. No new matter has been entered.

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Information Disclosure Statement of September 2003

The Examiner requested clarification of two references listed by attorney docket number in the IDS of September 2003. Applicant submits herewith a Supplemental IDS listing these references by USPTO serial number, and an additional reference for consideration by the Examiner.

Election of Species

Applicant notes that, in the "Preliminary Amendment..." filed on May 10, 2004, Claims 1 and 70 were indicated as drawing support from (and therefore covering) at least Figures 18-19. However, Figures 18-19 were designated in the Election of Species Requirement mailed on January 23, 2003 as belonging to a species (Species IV) that was not elected by Applicant. Applicant assumes that this does not create an impediment to allowance of the present claims, but Applicant nonetheless wishes to bring it to the Examiner's attention.

Support for Amendments, New Claims

Descriptive support for the claim amendments and new claims presented herein may be found in at least the following portions of the specification. Please note that this identification of descriptive support is not intended to be exhaustive with respect to any of the claims. Rather, the following identification is intended merely to demonstrate sufficient descriptive support to satisfy section 112, paragraph 1, and the claims may find support in Applicant's lengthy specification in portions other than those identified. (All figure and paragraph numbers refer to the application as published (no. US 2002/0107568A1).)

Claims 47-48: Para. 0153

Claims 70, 91: Figs. 18-19; paras. 0116-0118

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Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Although amendments, deletions and cancellations have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments, deletions and cancellations are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Mark J. Kertz at (949) 721-6318 to resolve such issue(s) promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: Mar. 28, 2005

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